

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOHNSON GICHEGE MUNGAI,

Plaintiff,

v.

CHASE BANK USA, N.A., et al.,

Defendants.

CIVIL ACTION FILE NO.

1:19-CV-00409-AT-JFK


ORDER

Pending before the court is Defendants Chase Bank USA, N.A.'s, Chase Home Finance, LLC's, and Federal National Mortgage Association's motion [Doc. 15] to dismiss the claims brought by Plaintiff Johnson Gichege Mungai [Doc. 1]. No response to the motion to dismiss was timely filed, and the motion was submitted to the court on July 11, 2019. On September 5, 2019, Plaintiff, who is proceeding *pro se*, filed a response to the motion to dismiss seeking dismissal of the motion to dismiss due to Defendants' failure to serve the motion at Defendant's address of record with the court, P.O. Box 7553, Marietta, Georgia 30065. [Doc. 16]. This is the address of record for Plaintiff and has been since the complaint was filed in January 2019. [Doc. 1-2]. A review of the certificate of service for the motion to dismiss, filed on June 21, 2019, reflects that a copy of the motion was mailed to 2507 Peach Shoals Circle,

Dacula, Georgia, which is the property at issue in this litigation. [Doc. 15].¹ Plaintiff does not receive notice of electronic filings with the court due to his *pro se* status.

Accordingly, because the docket in this case does not reflect service of the motion to dismiss on Plaintiff at his address of record, the court will allow Plaintiff fourteen (14) days from entry of this order to file a response to the motion to dismiss. The court, however, denies Plaintiff's request to dismiss the motion to dismiss. Defendants may file a reply brief.

SO ORDERED THIS 6th day of September, 2019.



JANET F. KING
UNITED STATES MAGISTRATE JUDGE

¹The court notes that Defendants might have been mistaken as to correct address for Defendant due to the fact that, although the civil cover sheet reflectes Plaintiff's address of record [Doc. 1-2], the complaint, below Plaintiff's signature, provides the address in Dacula, Georgia, used by Defendants to mail a service copy of the motion to dismiss. [Doc. 1].